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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,854	03/07/2001	Travis Parry	10003552-1	5600

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EXAMINER	
ENG, GEORGE	

ART UNIT	PAPER NUMBER
2643	

DATE MAILED: 07/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/800,854	PARRY, TRAVIS	
	Examiner	Art Unit	
	George Eng	2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 June 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,6,15,17,19-23 and 25-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,6,15,17,19-23 and 25-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This Office action is in response to the amendment filed 6/3/2005.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 6 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edmunds et al. (US PAT. 6,665,085 hereinafter Edmunds) in view of Peters (US PAT. 5,769,269).

Regarding claim 1, Edmunds discloses a method for providing customer support to a peripheral device user as shown in figure 1 comprising the steps of receiving a request from a user to contact a customer support representative with a customer support unit (20, figure 1), integrated with a peripheral device that is a printer (10, figure 1), which is obviously including wide variety of machines, i.e., a printer, a facsimile machine, a scanner, or multifunction peripheral (col. 1 lines 14-16), establishing a communication link between the customer support representative and the user with the customer support unit (col. 4 lines 35-67), transmitting audio communication between the customer support representative to the user while the user is at the

peripheral device via the customer support unit (col. 5 lines 1-23), and presenting status and setting information from the peripheral device to the customer support representative while the audio transmission is active to enable the customer support representative to consult the user as to how the user can correct the problem with the peripheral device (col. 5 lines 24-56). Edmunds differs from the claimed invention in not specifically teaching the customer support unit capable of performing audio and video communications. However, Peters teaches a vending system integrated with customer support unit capable of providing audio and video communication between customer and customer service representative during abnormal operations in order to make user friendly by providing real-time audio and video communication between customers and customer service representatives to assist customers during abnormal operations (col. 8 line 63 through col. 9 line 18 and col. 15 line 27 through col. 16 line 15). Edmunds and Peters are combinable because they are in the same field of endeavor, i.e., establishing a communication between customer and customer support representative. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the peripheral device of Edmunds in having capability of performing audio and video communications between the customer representative and the user, as per teaching of Peters, in order to make user friendly by providing real-time audio and video communication between customers and customer service representatives to assist customers.

Regarding claims 6, Edmunds teaches the step of permitting the customer support representative to change setting of the peripheral device while the communication link is active so that the user can confirm that the problem has been corrected before breaking contact with the customer service representative (col. 5 lines 39-56).

Regarding claim 21, the limitations of the claim are rejected as the same reasons set forth in claim 1.

Regarding claim 22, Peters teaches to transmit communications of the customer support representative comprising the steps of transmitting audio and video data of the customer support representative to the customer support unit, while the user is at the equipment (col. 15 lines 42-55).

4. Claims 15, 17, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hube (US PAT. 5,694,528) in view of Peters (US PAT. 5,769,269) and Venkatraman et al. (US PAT. 6,170,007 hereinafter Venkatraman).

Regarding claim 15, Hube discloses a method for providing customer support to a peripheral device user comprising the steps of receiving a request from a user to contact a customer support representative with a customer support unit, i.e., a graphic user interface (62, figure 1 and figure 6), integrated with a peripheral device that is a printer (2, figure 1), which is obviously including wide variety of machines, i.e., a printer, a facsimile machine, a scanner, or multifunction peripheral (col. 7 lines 6-13), establishing a communication link between the customer support representative and the user with the customer support unit (col. 7 lines 13-32), transmitting audio communication between the customer support representative to the user while the user is at the peripheral device via the customer support unit (col. 7 lines 33-34), and presenting status and setting information from the peripheral device to the customer support representative while the communication link is active to enable the customer support representative to consult the user as to how the user can correct the problem with the peripheral

device (col. 7 line 34 through col. 9 line 25). In addition Hube discloses the customer support unit comprising a speaker that adapted to present audio data of a customer support representative to the user and a microphone (col. 6 lines 46-52 and col.7 lines 33-34) Hube differs from the claimed invention in not specifically teaching the customer support unit comprises a display that is adapted to present video data of the customer support representative and a video camera that is adapted to capture video data of the user in order to perform video communications. However, Peters teaches a vending system integrated with customer support unit comprising a speaker (66, figure 1A), a display (50, figure 1A), a microphone (43, figure 1A) and a camera (42, figure 1A) for providing audio and video communication between customer and customer service representative in order to make user friendly by providing real-time audio and video communication between customers and customer service representatives to assist customers during abnormal operations (col. 8 line 63 through col. 9 line 18 and col. 15 line 27 through col. 16 line 15). Hube and Peters are combinable because they are in the same field of endeavor, i.e., establishing a communication between customer and customer support representative. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the peripheral device of Hube in having the customer support unit comprising the display that is adapted to present video data of the customer support representative and the video camera that is adapted to capture video data of the user in order to perform video communications, as per teaching of Peters, in order to make user friendly by providing real-time audio and video communication between customers and customer service representatives to assist customers during abnormal operations. Furthermore, neither Hube nor Peters teaches a web server module of the peripheral device that is adapted to collect information as to the status

and the settings of the peripheral and generate web pages containing the status and setting information. However, Venkatraman teaches web access functionality being embedded in a device to enable low cost widely accessible and to enhance user interface functions for the device, wherein the embedded web server (14, figure 1) of the peripheral device provides configuration information comprising posting the configuration to a web page (col. 3 lines 9-65). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Hube and Peters in having the web server module of the peripheral that is adapted to collect information as to the status and the settings of the peripheral and generate web pages containing the status and setting information, as per teaching of Venkatraman, because it enables low cost widely accessible and enhances user interface functions for the peripheral device.

Regarding claim 17, Hube discloses the network interface devices include a modem (174 or 188, figure 7) adapted to transmit and receive communications (col. 6 line 31 through col. 7 line 5), as well as Lee (23, figure 1).

Regarding claim 19, Hube teaches a communication module (62, figure 1) for facilitating communications between the system and a customer support representative (col. 4 lines 19-34), as well as Peters (col. 5 lines 19-30 and col. 7 lines 15-17).

Regarding claim 20, the limitations of the claim are rejected as the same reasons set forth in claim 15.

5. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hube (US PAT. 5,694,528) in view of Peters (US PAT. 5,769,269) as applied in claim 21 above, and further in view of Venkatraman et al. (US PAT. 6,170,007 hereinafter Venkatraman).

Regarding claim 23, the combination of Hube and Peters differs from the claimed invention in not specifically teaching to provide configuration information comprising posting the configuration information to a web page using an embedded web server of the peripheral device. However, Venkatraman teaches web access functionality being embedded in a device to enable low cost widely accessible and to enhance user interface functions for the device, wherein the embedded web server (14, figure 1) of the peripheral device provides configuration information comprising posting the configuration to a web page (col. 3 lines 9-65). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Hube and Peters in providing configuration information comprising posting the configuration information to a web page using the embedded web server of the peripheral device, as per teaching of Venkatraman, because it enables low cost widely accessible and enhances user interface functions for the peripheral device.

6. Claims 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hube (US PAT. 5,694,528) in view of Venkatraman et al. (US PAT. 6,170,007 hereinafter Venkatraman).

Regarding claim 25, Hube discloses a peripheral device (2, figure 1) comprising a scanner (100, figure 2), and a customer support unit (62, figure 1) configured to facilitate communication between a peripheral device user at the peripheral device and a customer support representative, the customer support unit including a microphone that collects voice data of the user, a speaker that emits voice data of the representatives, and network interface device that enable transmitting of data between the user and the representative (col. 6 line 31 through col. 9 line 25). Hube differs from the claimed invention in not specifically teaching the peripheral comprising an embedded web server configured to collect and post peripheral device configuration information. However, Venkatraman teaches web access functionality being embedded in a device to enable low cost widely accessible and to enhance user interface functions for the device, wherein the embedded web server (14, figure 1) of the peripheral device provides configuration information comprising posting the configuration to a web page (col. 3 lines 9-65). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Hube in having the embedded web server configured to collect and post peripheral device configuration information, as per teaching of Venkatraman, because it enables low cost widely accessible and enhances user interface functions for the peripheral device.

Regarding claim 26, Hube discloses means for receiving remote commands transmitted by the representative to change setting on the peripheral device (col. 9 lines 13-25).

7. Claims 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hube (US PAT. 5,694,528) in view of Venkatraman et al. (US PAT. 6,170,007 hereinafter Venkatraman) as applied in claim 25 above, and further in view of Peters (US PAT. 5,769,269).

Regarding claims 27-28, the combination of Hube and Venkatraman differs from the claimed invention in not specifically teaching the customer support unit further comprising a camera that collect video data of the user and a display that displays video data of the representative. However, Peters teaches the customer support unit comprising a camera (42, figure 1A) for collecting video data of the user and a display (50, figure 1A) for displaying video data of the representatives in order to make user friendly by providing real-time audio and video communication between customers and customer service representatives to assist customers during abnormal operations (col. 8 line 63 through col. 9 line 18 and col. 15 line 27 through col. 16 line 15). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Hube and Venkatraman in having the customer support unit further comprising the camera that collect video data of the user and the display that displays video data of the representative, as per teaching of Peter, because it makes user friendly by providing real-time audio and video communication between customers and customer service representatives to assist customers during abnormal operations.

Response to Arguments

8. Applicant's arguments with respect to claims 1, 6, and 21-23 have been considered but are moot in view of the new ground(s) of rejection.

9. Applicant's arguments filed 6/3/2005 have been fully considered but they are not persuasive.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation of combining Hube in view of Peters and Venkatraman, or Hube in view of Venkatraman is to enable low cost widely accessible and enhance user interface functions for the peripheral device by providing configuration information, comprising posting the configuration, as well as device status information to a web browser for remotely accessing as recited in Venkatraman (col. 2 lines 16-45). Note both Hube and Peters both are directed to remotely diagnostic or monitor device status from a central customer service location or remote facility, which requires to collect operational status of a customer's device upon establishing a communication between the customer's device and a customer support representative in the central customer service location or remote facility, and Venkatraman teaches to embed web access functionality into a device for providing device specific user interface functions including reading device status information from the device at a remote facility (col.3 lines 9-65) in order to enable low cost widely accessible and enhance user interface functions for the peripheral device (col. 2 lines 20-29). Thus, one skill in the art would recognize to modify the combination of Hube and Peter or Hube in utilize a web server module in a peripheral device to provide

configuration information, comprising posting the configuration, as well as device status information, for remotely accessing.

In response to applicant's argument that Venkatraman is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Venkatraman clearly teaches web access functionality being embedded in a device to enable low cost widely accessible and to enhance user interface functions for the device, wherein the embedded web server (14, figure 1) of the peripheral device provides configuration information, comprising posting the configuration, as well as device status information to a web browser for remotely accessing (col. 3 lines 9-65). Note both Hube and Peters both are directed to remotely diagnostic or monitor device status from a central customer service location or remote facility by collecting operational status of a customer's device upon establishing a communication between the customer's device and a customer support representative in the central customer service location or remote facility. By combining the teaching of Venkatraman in the combination of Hube and Peters, it enables low cost widely accessible and enhances user interface functions for the peripheral device by providing configuration information, comprising posting the configuration, as well as device status information to a web browser for remotely accessing (see rejection above). Thus, the proposed combination of Hub and Peters and Venkatraman or Hube and Venkatraman is proper

In response to applicant's argument that the proposed modification to Hube by Venkatraman would quite significantly alter the principle of operation of Hube, the test for

obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Morgan (US PAT. 6,865,732) discloses a method of providing an embedded web server for a device (col. 2 line 35 through col. 3 line 21). Fawcett et al. (US PAT. 5,678,002) discloses a system for providing automated customer support (abstract).

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Eng whose telephone number is 703-308-9555. The examiner can normally be reached on Tue-Fri 7:30 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A. Kuntz can be reached on 703-305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

George Eng
Primary Examiner
Art Unit 2643